

REMARKS

Reconsideration and removal of the grounds for rejection are respectfully requested. Claims 8-12 were in the application, claims 8-12 have been rejected.

Claims 8-12 were rejected as being obvious over Szatmary, U.S. Patent no. 5,997,399.

In order to uphold a finding of obviousness, there must be some teaching, suggestion or incentive for doing what the applicant has done. ACS Hospital Sys'ts. Inc. v. Montefiori Hospital, 723 F.2d 1572 (Fed. Cir. 1984). Also, "Both the suggestion and the expectation of success must be found in the prior art, not in the applicant's disclosure." In re Dow Chemical Co., 837 F.2d 469 (Fed. Cir. 1988). The examiner must in particular note where the reference teaches away from the invention, In re Graselli et al, 218 U.S.P.Q. 768 (Fed. Cir. 1983).

The Patent and Trademark Office has the burden under section 103 to establish a prima facie case of obviousness. In re Piasecki 223 USPQ 2d 785 (Fed. Cir. 1984). They can satisfy this burden only by showing some objective teaching in the prior art or that knowledge generally available to an ordinary skill in the art would lead the individual to combine relevant teachings of the references. In re Fine, 837 F.2d 1071 (Fed. Cir. 1988).

US 5,997,399 to Szatmary relates to an isolation chamber for handling sterile or toxic materials. The isolation chamber 20 is totally enclosed by side walls 26, the only openings being rubber glove ports 42 for a worker to use when working with items in the chamber 20. The worker stands in a worker booth 45 located alongside the isolation booth 20. (col. 4, l. 12-21). To the extent the examiner believes these side walls equate to the first

panel, note that there are no hinges, and no provision for "having at least one inner conveying channel for passing purified air by the frame situated near at least one edge of said first panel, said channel being in fluid communication with said inner environment, so that a flow of purified air passes from the intermediate space through the inner conveying channel toward the inner environment at the at least one edge".

The Examiner has misunderstood both the invention and the prior art. The Examiner believes Szatmary has "one or more enclosing panel means (12, 82)", yet 12 is the entire isolation booth, not a panel; element 82 is a hood. These terms would be well understood by one skilled in the art as being something different from an enclosing panel.

The Examiner goes on to allege that there is "an edge (at 64) of the one or more enclosing panel means being a movable wing (12 and 82 have a left wing [??] from centrally located motor and a right wing[??]), hinged (by 68 pivot air to adjust direction 78) to an upright of the enclosing structure..." This is far from an accurate picture of Szatmary. There is no hinge at 64. 64 is an outlet duct where air is directed by vanes 68 coupled to the outlet duct. This duct is located entirely within the work zone and has no relation to the isolation chamber. No panels of any kind join at that location, unless the examiner believes these simple air directing vanes are themselves the enclosing panels, but of course, that makes no sense, and certainly would differ from the understanding of one skilled in the art, and it is that persons' understanding that controls, not the Examiners'.

Going back to claim 8, this requires:

a) "one or more enclosing panel means assembled together to define an inner environment within which the packaging machine is located";

b) "at least one juncture located adjacent an edge of the one or more enclosing panel means"; c) "at least one panel means being a movable wing, hinged to an upright of the enclosing structure";

d) "said panel means separating an inner environment of the enclosing structure which is substantially enclosed and isolated from an outer environment";

e) "said panel means formed by a first panel (3a) and a second panel (3b), coupled together and fastened in a facing relation on opposite sides of a frame (6), the first panel and the second panel located at a prefixed distance relative to each other to form an intermediate space (11) therebetween, a flow of purified air (F) being circulatable therethrough".

This is best illustrated by reference to Fig. 3:

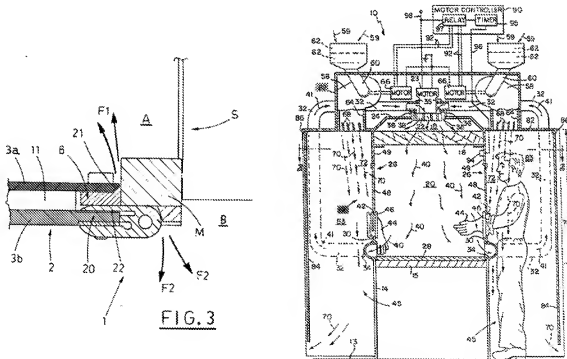


FIG 1

It is impossible to find any corresponding structures in Szatmary, Fig. 1. There are no movable panel means, nor any hinged panel means which, with other panel means define the inner working environment. What panel means is hinged to an upright?

Other features of claim 8 are not found. Claim 8 requires two additional elements not taught or suggested in Szatmary. One being that the first panel facing the inner environment has "at least one inner conveying channel [21 in Fig. 3] for passing purified air by the frame situated near at least one edge of said first panel, said channel being in fluid communication with said inner environment, so that a flow of purified air passes from the intermediate space through the inner conveying channel toward the inner environment at the at least one edge" [F1 in Fig. 3 above] and the second panel facing the outer environment having "at least one outer conveying channel [22 in Fig. 3] for passing purified air by the frame situated near the at least one edge of said second panel, said outer conveying channel being in fluid communication with said outer environment, [F2 in Fig. 3] so that a flow of purified air passes from said intermediate space through said outer conveying channel toward the outer environment at the at least one edge, the purified air passing through the inner conveying channel and the outer conveying channel forming a fluid-dynamic sealing barrier at the edge of the panel means for preventing contaminants from entering the inner environment at the panel edge."

Szatmary has no element corresponding to the first channel, as there are no openings shown into the inner chamber 20. Of course, the isolation chamber within the enclosure is the relevant chamber. The Examiner alleged that "the panels 12 and 82 are two panels that encloses (sic) an intermediate space 18, 20 and 72 (Fig. 1)." If this was intended to relate to

claim 8, it is very inaccurate, as the alleged space 18 is an air supply plenum, the alleged space 72 is an air zone, and the space 20 is the isolation chamber itself so it cannot be an "intermediate space", as that term is used in claim 8.

Claims 8-12 were rejected as being obvious over Szatmary, yet it is unlikely that one skilled in the art would find any teaching or suggestion for the dual air channels located at the edges where there are joints between the panel means surrounding an enclosure. Szatmary does not allow such air infiltration channels, and in fact has no movable panel means, hinged or otherwise, where these types of joints would occur. Thus, there is no recognition of the problem, or the solution, since the isolation booth of Szatmary is fixed, rigid and has no openings to the outer environment. Leakage through damaged gloves would certainly not meet the claim limitations. In fact, Szatmary teaches away from the invention since such joints are not included in the booth as designed by Szatmary.

The panel means of the invention have inner and outer conveying channels, the purified air passing through the inner conveying channel and the outer conveying channel forming a fluid-dynamic sealing barrier at the edge of the panel means for preventing contaminants from entering the inner environment at the panel edge. No such structures are shown or described in the '399 patent. Rather, conventional seals are used, which admittedly fail according to the '399 patent, and as discussed above, would allow contaminated air to enter the isolation chamber. In the invention, air in the enclosed intermediate space is kept at a pressure higher than the pressure of the inner and outer environments so that air exiting from the intermediate space and entering the environments is never contaminated, and contaminated air is prevented from entering the packaging environment through joint

leakage. This is a significant advantage over the prior art and clearly not rendered obvious over the cited patent.

Since claim 8 is not rendered obvious over the cited patent, claim 8 and the claims depending therefrom are clearly patentable.

Based on the above amendments and remarks, favorable consideration and allowance of the application is respectfully requested. However should the examiner believe that direct contact with the applicants' attorney would advance the prosecution of the application, the examiner is invited to telephone the undersigned at the number given below.

Respectfully submitted,

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